

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FRANK VISSER, on Behalf of Himself and  
All Others Similarly Situated,

Plaintiff,

v.

ENERGY RECOVERY, INC., JOSHUA  
BALLARD, JOEL GAY, CHRIS M.  
GANNON, and ROBERT YU LANG MAO,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 1/20/2021

Case No. 1:20-cv-05647-VM

**~~PROPOSED~~ ORDER OF DISMISSAL**

WHEREAS, Plymouth County Retirement Association was appointed lead plaintiff on October 7, 2020 (Dkt. No. 21);

WHEREAS, the Court approved the Stipulation and Scheduling Order schedule for the filing of the Amended Complaint on December 17, 2020 (the “Scheduling Order”) (Dkt. No. 27);

WHEREAS, pursuant to the Court’s Scheduling Order, Lead Plaintiff’s Amended Complaint is due to be filed on January 19, 2021;

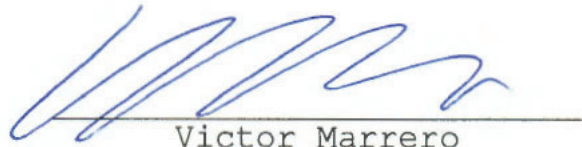
WHEREAS, after conducting further investigation, Lead Plaintiff has determined not to file an Amended Complaint and to dismiss the above captioned action without prejudice;

WHEREAS, no motion for class certification has been filed, and no class has been certified; and

WHEREAS, the parties agree that each party shall bear its own costs and attorneys’ fees;

IT IS HEREBY ORDERED THAT, the captioned action, and each claim for relief asserted therein, shall be dismissed, without prejudice and without costs or attorneys' fees under any federal or state law, pursuant to Fed. R. Civ. P. 41(a).

SO ORDERED this 20 day of January, 2021.



Victor Marrero  
U.S.D.J.